

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINTON NESTA BAKER,

Plaintiff,

vs.

SGT. ARON COOPER #2230 in his
individual capacity, et al.,

Defendants.

8:21-CV-55

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's findings and recommendation that this case be dismissed for want of prosecution. [Filing 42](#). Involuntary dismissal for failure to comply with the Court's order or failure to prosecute is within the Court's discretion. [Fed. R. Civ. P. 41\(b\)](#); see [Schooley v. Kennedy](#), 712 F.2d 372, 373-74 (8th Cir. 1983). And there has been no objection to the findings and recommendation, meaning that the plaintiff has waived the right to *de novo* review. See 28 U.S.C. § 636(b)(1); [NECivR 72.2](#); [United States v. Wise](#), 588 F.3d 531, 537 n.5 (8th Cir. 2009). Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 42](#)) are adopted.
2. The plaintiff's complaint is dismissed without prejudice.
3. A separate judgment will be entered.

Dated this 17th day of March, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge